



# The Manitoba School Question.

A Paper Read Before the Junior Liberal-Conservative Association of St. John, N. B.,  
February 13th, 1894, by

DR. J. H. MORRISON.

The following is the text of the paper read by Dr. J. H. Morrison, before the Junior Liberal-Conservative club, at its last meeting:

## THE MANITOBA SCHOOL QUESTION.

At the present stage of the Manitoba school trouble little is to be gained by discussing any other than those phases of the question which may possibly at some future time be submitted to the electors of Canada for their consideration and judgment. Technicalities of law, fine points of discrimination between different possible interpretations of legal clauses and phrases are not matters with which those not learned in the law are competent to deal. I shall endeavor, therefore, merely to give you a few points on the inside history of this important question, with which the people of the Maritime Provinces, owing to the great distance which separates them from our north-western country, are not supposed to be familiar. Naturally the press of this section rarely discusses anything more than the fact that separate schools once existed in Manitoba, and were abolished by an act passed by the legislature of that province in 1890. But whether or not that act was just and fair is seldom discussed in the light of the previous history of the educational affairs of the province, or of the circumstances which led up to its being placed upon the statute book.

Having resided in Manitoba during a period of ten years immediately prior to the enactment of the present Manitoba Schools Act, which annulled the system of separate schools then existing in the province; having been intimately associated with the development of the whole educational system from my connection with the Board of Education as an inspector of Protestant schools; having travelled extensively throughout the entire province; knowing personally most of the public men, as well of the central as the more remote portions of the country; being familiar with the political careers, the declarations, the publicly expressed sentiments of the men who placed upon the Statute book the present law; I may fairly lay claim to a knowledge, more or less accurate, of the condition of the country, the ideas of the people, their satisfaction or dissatisfaction with the separate school system, and likewise of the motives of the men who precipitated the present trouble.

The British North America Act, the constitution of the Dominion of Canada, con-

tains certain clauses which will be quoted further on, conserving, for all time, to any religious denomination all exclusive rights and privileges with respect to separate schools enjoyed by them at the union "or thereafter created by any legislature."

Before the erection of Manitoba into a province, the French and English settlers about Fort Garry, the site of the present city of Winnipeg, maintained their own separate schools by voluntary contributions. These schools could not exist "by law," as there was no law in the country except the will and pleasure of the Hudson's Bay Company and the old self-constituted Council of Assiniboia. They were controlled by the Roman Catholic and Anglican Missions. The French and English populations were about equally divided. The act which created the Province of Manitoba, called the Manitoba Act, was passed by the Dominion Parliament and again passed by the British Parliament as an amendment to the British North America Act; and in respect to educational matters contained provisions similar to those of the British North America Act, but slightly changed so as to meet the then existing state of affairs in the North-west Territory.

When the first legislature of the new province was called together it proceeded to enact a law which established a system of free but separate schools. Under this act no Protestant could be assessed to support any Catholic school, and vice versa. The Board of Education was appointed by the Governor-in-Council from Roman Catholic and Protestant clergymen and laymen from various parts of the province. It was divided into two sections, a Catholic section and a Protestant section. These two sections, in the management of their own particular schools, acted entirely independent of each other, but for certain purposes sat as one common body.

The Manitoba Act also provided for the use of the French language in the courts and legislature of the province.

My own convictions are that a system of free non-sectarian schools, honestly carried out, is by far the best system for both Catholics and Protestants. I believe that it tends to a wider development of intellect, more broad and liberal views of humanity, a better manhood, and more ambitious aim in the pursuit of knowledge than can be engendered by denominational control of the child's education. I believe that it is

far better for children to meet and learn to know each other on the school benches, as they are compelled to do in the business relations of after life. I have no sympathy whatever with the pretensions of the Roman Catholic church to the absolute control of the secular education of the children of Roman Catholic parents. I do not blame the church for endeavoring to maintain or increase its power and influence by any just and lawful means; but I am prepared to resist to the uttermost any invasion or encroachment upon the rights and liberties of the State. But the policy and acts of the Roman Catholic church are not a part of the question under discussion, though some of our statesmen are determined to look at the Manitoba school question from no other point of view. The great question is, had the Legislative Assembly of Manitoba the moral or legal right to sweep away the system of separate schools which was set up in 1871.

There were no party lines in the Manitoba Legislature until about the year 1882. At that time the government, led by the Hon. John Norquay, a Protestant native half-breed, a man of remarkable ability, finely educated, a giant both in intellect and physique, a born leader of men, became distinctly Conservative. Until the year 1888, when he and his colleague the Hon. A. A. C. Lariviere, in consequence of some dissatisfaction over the granting of a subsidy to the Hudson Bay Railway Company, retired from the Cabinet, the French people of the province loyally supported the Conservative party. Even the North-west rebellion of 1885 failed to shake their allegiance to the Conservative party as led by Mr. Norquay. Many of the constituencies were wholly French. They returned about eight or ten members of their own race, religion and language, who stood steadfast in their support of the Norquay government, and in those constituencies in which they were in the minority, they uniformly supported the Conservative candidates. For this reason they were cordially despised and detested by the Liberal opposition, the members of which were seldom backward in vowing vengeance upon the French if ever they should obtain the reins of power.

Throughout all these years, from 1871 until 1888, no complaint was ever made with the workings of the separate school system. No injustice was complained of by anybody in any public manner. The question was never referred to, except as I shall hereafter relate, on any platform during any election campaign. It never was referred to by any newspaper, Conservative or Liberal. There was no Manitoba school question. The people, Protestant and Catholic alike, were perfectly contented with the school system as it then existed; and the Protestant and Catholic population lived together in peace and harmony, and with perfect satisfaction with the school system as it then was. The Catholic population of the province consists mostly of French half-breeds, who live together in communities or settlements along the rivers or around the shores of the lakes, with their church and school in their midst. The Protestant settlers from eastern Canada lived upon and cultivated the wide open prairie. When a Roman Catholic settler found himself surrounded by Protestant neighbors he sent

his children to the Protestant school, and paid a small fee for their tuition. When a Protestant lived in close proximity to a Catholic school, he did the same. There was no demand, public or otherwise, for any change. The local boards of school trustees, Protestant and Catholic, went on acquiring property, erecting expensive school houses and equipping their schools in the most modern manner.

In the fall of 1886 the Norquay government went to the people, its term of office having expired by limitation. In the campaign which followed I had occasion to address a meeting of French electors at Fort Ellice, and in the course of my remarks, said, "The Liberals are apparently moving heaven and earth to secure your support in this election. I say to you, French electors, that if you transfer your support to them, you will but warm to life a frozen viper in your own bosom; for should they, by your votes, be enabled to seize the reins of power, they will settle their bill of costs against you for your long and steadfast support of the Conservative party, by sweeping away your separate schools and by effacing your language from the records of the legislature." This was the first public occasion on which the matter was ever referred to in Manitoba. For this speech I was the next day taken severely to task by the Liberal candidate, Mr. Robert Nelson, who declared this part of my address to be an unwarranted libel upon the honor of the Liberal party; and so incensed was he that he posted right off to Fort Ellice and called another meeting of the electors there for the express purpose of denying my assertion, and of pledging the faith of the entire Liberal party to the conservation of the separate school law, which he declared to be "the just and legal right and privilege of the Catholic population, secured to them by the constitution of the country, which no party, much less the Liberals, would ever dare to alter or destroy." The French electors, however, went solidly against Mr. Nelson and he was defeated.

This took place in November, 1886. The Norquay government was sustained, but by a bare working majority. In January, 1888, Messrs. Norquay and Lariviere retired from the ministry, and Dr. Harrison, Minister of Agriculture, became Premier. The Hon. Joseph Burke accepted office in the re-organized ministry, which circumstance necessitated an election in the French Riding of St. Francois Xavier. The parties in the House were so evenly balanced that the fate of the ministry depended upon the result of this election. To avoid the charge of giving an account, colored by party bias, of what took place at this election, let me quote from a speech delivered in the Manitoba legislature by Mr. James Fisher, member for Russell, during the session of 1893. Mr. Fisher is by all odds the ablest and best informed public man in Manitoba today. He is a leader at the Winnipeg bar, and when these events took place he was president of the Manitoba Provincial Liberal Association. He helped the Greenway party into power, but he cut loose from them on the school and railway questions. He said, "I now desire to speak of a delicate matter which may be somewhat distasteful to some of those who hear me, but I am bound to tell the truth even if some

are offended. I make the grave charge that this legislation—the abolition of the separate schools—was placed upon the statute book of this province in defiance of the most solemn pledges of the Liberal party. In January, 1888, an event occurred which brought the Liberals into power in this province. My honorable friends had for years been engaged in an effort to defeat the Norquay government, in which I helped them all in my power, because we felt it would be to the advantage of the province to have a change. The crisis came when the St. Francois Xavier election took place at the time I have mentioned. Dr. Harrison was at that time Premier of the province and he chose for his Provincial Secretary Mr. Joseph Burke, who, though he bears an Irish name, is really a French Canadian. He was living among his own people in the French district of St. Francois Xavier, and had been elected a member of this House by acclamation in 1886. On accepting office he went back for re-election. It was proposed that we should oppose him, though I myself thought it was useless. Mr. H. F. Francis, an English-speaking Presbyterian, was asked to take the field against Mr. Burke in this French constituency. He could not possibly be elected unless he got a large proportion of the votes of the French Catholics. Without this I say his election was absolutely impossible. When Mr. Francis was consulted by leading members of the Liberal party and asked to accept the nomination, he declared that he would not accept unless empowered to give the electors a pledge that, if the Liberals got into office, they would not interfere with the institutions of the French, their language or their school laws. (The alarm had been sounded among the French after my address to the electors at Fort Ellice the year before.) He was authorized to make that promise, and he went to the electors and gave them the pledge. Strong speeches were being made by Mr. Burke and his friends in the Riding, calling upon half-breeds and French Canadians to vote against the Liberal candidate, who would likely pass laws interfering with their institutions. It was said, 'Are you going to put into power men, who, when they get office, will legislate away your schools and your language?' This became practically the leading question of the campaign, and the contest was a crucial one. Should the Liberals win, it was plain, in view of the losses sustained by the Government, they must resign. The success of the Liberal candidate meant that that party would at once attain power, while the election of Mr. Burke meant the continuance of the Liberals in opposition until this day. It became necessary to meet this appeal to the religious and race feelings of the French voters with something better than Mr. Francis' promise to them. . . . We had declared that if returned to power we would remedy the abuses in connection with the French printing, but the idea of interfering with rights guaranteed by the constitution had never been suggested. On the contrary the Liberal leaders had frequently declared upon the public platform that these institutions were protected. When the question about the Liberal policy became so prominent and urgent in St. Francois Xavier, I was con-

sulted about it, and Mr. Joseph Martin was asked to go out and assist the candidate. He went and made these promises, as I knew he was instructed to do, viz., That the schools and language of the French Catholics would not be interfered with. I went with him to a second meeting. It was a large gathering composed of French and half-breed Catholics. Mr. Burke was present and made the same charges as to what the Liberals would do if in office. He appealed to his co-religionists to defeat Mr. Francis and save their language and their schools. Mr. Martin in a powerful speech denounced the statements of Mr. Burke and his friends as false. He told the meeting that it never was the policy of the Liberals to interfere with the French or Catholic institutions, and appealed to them to trust the Liberals and support their candidate. As I was president of the Provincial Liberal Association, he appealed to me to put him right if he were wrong. He went further and gave a positive pledge in the name of the Liberal party that they would not do so. I know that Mr. Greenway was a party to that promise. I have always thought that the establishing of the present school law abolishing Catholic schools was, in the face of this definite promise, a gross wrong."

This is the testimony of the head and front of the Liberal party of Manitoba of the day. The French took the Liberals at their word, and Mr. Burke was defeated. The Harrison administration resigned and Messrs. Greenway and Martin came into power. In order to make themselves solid with the French members for the session, it was deemed necessary to take one of them into the new ministry. The choice fell upon Mr. Prendergast, a learned and eloquent young French lawyer. Before Mr. Prendergast would accept office in the new cabinet he sought the sanction of Archbishop Tache. His Lordship requested some further assurance that the separate schools would not be interfered with, and thereupon Mr. Greenway sent two trusted friends, called upon his lordship, and assured him that he, Mr. Greenway, would preserve the French and Catholic institutions intact. Mr. Prendergast, with his lordship's consent, was duly sworn in Provincial Secretary. In the bye elections which followed, the matter was not referred to save by one Liberal orator, a member of Mr. Greenway's cabinet, who, at a meeting at Fort Ellice, declared that "the scare about the abolition of the separate schools was a nightmare invented by Dr. Morrison to terrify the French electors and keep them within the Conservative fold." I quote his words as they were uttered. When the House met for business, Mr. Greenway proceeded to pass a gerrymander Act which altered the boundaries of every single constituency in the province and adjusted the new Ridings in such a manner that, except in half a dozen instances, no Conservative candidate could enter the contest with any reasonable chance of saving his deposit. Then he dissolved the House. Now, if there had been a demand of the people of Manitoba for the abolition of separate schools; if there had been any dissatisfaction with the separate school law, is it not reasonable to suppose that in the campaign which followed the matter would

have been discussed from every platform? Nay, had the Government been desirous of obtaining an expression of the wishes of the people of the province on so momentous a question, would they not have formulated their policy in regard to it, and would they not have asked the people to sustain them upon it. The question *never was referred to once throughout the whole campaign.* I myself addressed meetings in company with Mr. Greenway, Mr. Fisher, Mr. Nelson and other Liberals; and while I vigorously assailed the general policy of the Liberals all along the line, yet in view of the definite declarations and pledges made by these gentlemen that they would not interfere with the separate school law, I did not feel justified in still further warning the Catholics of the calamity in store for them.

This campaign took place in June, 1889. In August of that year Mr. Dalton McCarthy, who was endeavoring to rouse religious strife in Ontario over the Jesuits Estates Act, packed up his gripsack and started for Manitoba, ostensibly for the purpose of inaugurating an Equal Rights campaign. He proceeded to the town of Portage la Prairie to address a meeting there, spending the previous evening with Mr. Joseph Martin, Mr. Greenway's Attorney General, whose home was in the town.

Mr. Martin himself will bear me out in saying that he (Mr. Martin) is a pessimist as regards his native country; that he has always detested and despised the Canadian confederation; that he has oftentimes publicly declared that, to use his own expression, "the Dominion would go to smash in a few years," that "a dozen Canadian Pacific Railways could not hold the rotten concern together," and that "annexation to the United States was the only goal to which Canadians should look." He will, I am sure, bear me out in saying that he has always welcomed the advent of any vexed question which promised to sow discontent and strife among the Canadian Provinces and people; and that the collapse of the Dominion would give him the greatest satisfaction. For this reason, though he had always railed at the Orangemen for their general support of the Conservative party, he was ready to take to his arms Mr. Dalton McCarthy and his pet hobby of Equal Rights. He attended Mr. McCarthy's meeting, and while he proceeded to say a few words of eulogy upon Mr. McCarthy and his campaign of Equal Rights, like a thunderbolt from a clear noon day sky came the announcement that he and his colleagues in the Government had decided to abolish separate schools and the French language in Manitoba.

His speech was wired to Winnipeg, and leading Catholics, realizing that the Fort Ellice nightmare had materialized at last, held a hurried consultation and sent a deputation to wait on Mr. Greenway to ask if the Government intended to do this thing. Mr. Greenway replied, "No. My Government have no such intention. That man, Martin, has made an ass of himself. I must get rid of him." Later on, while they were both members of the Ministry, Mr. Martin is said to have characterized Mr. Greenway as "the most colossal liar of the century." I do not share in these gentlemen's estimations of each other.

About this time the Greenway Government was laboring in a Slough of Despond. It was torn by dissensions within and was assailed on all sides from without. It was charged by its former best friends with having made a corrupt deal with the Manitoba and Northern Pacific Railway Company, whereby it was said hundreds of thousands of dollars of the people's money found its way into the pockets of certain members of the Ministry. Some of the honorable gentlemen who, immediately before they attained power, were overburdened with debt and were about to leave the country to seek their fortunes in the United States; became suddenly rich and, by their own organs—newspapers which they owned and controlled—were declared to be "in the front rank of Provincial Capitalists." Having for years been politically opposed to these men, it would not become me to mention, nor would I mention, these charges had they not first come from their own supporters and friends. Mr. Fisher, the President of the Manitoba Liberal Association, and Mr. Roblin, a most enthusiastic Liberal, who moved the address in Mr. Greenway's first Parliament, went over to the Opposition. The Winnipeg Free Press, the greatest Liberal paper west of Toronto, whose proprietor and editor had been a colleague of Mr. Greenway while in opposition, and who had hailed the advent of the Liberals to power with the most ecstatic joy, denounced the Cabinet and turned the full force of its powerful batteries against them. Their term of office was wearing on and soon they would have to face the people. I believe that at this time Mr. Greenway still preserved some regard for his repeated pledges to preserve and protect the institutions of the French people. But Mr. Martin and the other members of the Cabinet saw that by assailing the separate schools of the Catholics their rapidly failing ranks could be quickly recruited from the large Orange vote throughout the Province, and from the other Protestant English speaking people, whose religious prejudices were being fanned into a flame by the Equal Rights agitation. Mr. Martin and his party simply downed the Premier in his own Cabinet, and a few weeks later Mr. Greenway himself announced that the Government had decided to abolish the French language and the separate schools. The Hon. Mr. Prendergast at once resigned his portfolio and went into opposition.

Emboldened by his triumph over the scruples of his Premier, and, it is said, being decidedly atheistic in his views, Mr. Martin went a step further, and next, announced that the schools about to be established by his Government would not only be non-sectarian, but in the strictest sense *secular*; that neither the name of God, nor the word of God, should be mentioned in them; no prayers should be offered up by teachers or pupils; none of the sublime lessons of the Bible should be read in the presence of the children, nor should any devotional hymns be sung, and in every possible manner the Christian religion, with its noble teachings, the bulwarks of our civilization, was to be ignored and tabooed. Strange as it may seem—and it seems more strange to me because I am a member of the Orange society—a prominent Orangeman was found who gave his unqualified approval to this preposterous suggestion. Mr. Stewart Mulvey,

a gentleman who was anxious to find an excuse for forsaking the Conservative party, because Sir John Macdonald refused to make him a Senator, is on record as saying, while addressing a public meeting at Winnipeg, that "the only use for the Bible in the public school was to hold up the window sash when the schoolroom required to be cooled off."

The prospect of the establishment of purely secular schools raised a storm throughout the Province. The leading newspapers sent circulars to prominent farmers, merchants and professional men all over the country, asking their views on the question, and the replies were so unanimous against the banishment of the Bible from the schools that Mr. Martin was forced to recede from his radical position. Then came the session of the Legislature, during which Mr. Martin, the man who had pledged the honor of the Liberal party not to interfere with the rights and privileges of the French, in a House, not a single member of which was elected upon the school question, introduced and carried through the Acts to abolish the official use of the French language, and to disestablish the system of separate schools which had stood for twenty years, and against which there never was a murmur. Thus did he make good the threats of the Liberals "to get even with the French," for their long support of the Conservative party.

I have stated before that both the Catholic and Protestant Boards of School Trustees had acquired valuable school properties under the separate school law. Did Messrs. Greenway and Martin offer the Roman Catholics of the Province any compensation for their property? No. But by a provision of the new Act all the property of the Catholic school districts was ruthlessly confiscated and vested in the Protestant School Boards. Thus were not only their constitutional rights trampled upon, but their lands, buildings, goods and chattels were in a sense looted, appropriated and distributed among the Protestant people. It was retaliation with a vengeance. But did it stop there? No.

As I have stated before, the Catholic people of Manitoba are chiefly French half-breeds—people as intelligent as the French of our own Province. They controlled from eight to ten votes in the Legislature when the Greenway-Martin Government came into power. After the passing of the present School Act Mr. Greenway, in due course of time, appealed to the people. But he did not dare to appeal to the constituencies which had returned the large following which he had in the House. He did not dare trust the electorate with even a shadow of Catholic influence in it, but proceeded for a second time to gerrymander the entire Province, cutting and carving the ridings so that, with the exception of two constituencies, the last vestige of French or Catholic influence was swept away. Every Catholic parish was attached to some overwhelmingly Protestant riding, and in every case where it was possible to a Liberal riding. At our last Provincial election Mr. Blair succeeded in getting rid of a thorn in the flesh in the person of Dr. Atkinson of Carleton. What would you think of Mr. Blair's methods if, in order to swamp his opponent he had taken a strip of Carleton County ten miles

wide along the river bank, and had attached it to Victoria? Or what would you think of the justice of his cause if, in order to swamp the French vote of Madawaska he had attached the whole county to Restigouche or Northumberland? Yet that is just the way in which Mr. Greenway made himself solid in Manitoba on the school question after he had enacted the present school law. He simply wiped out the French Catholic vote, and then proclaimed to the world that the people of Manitoba had sustained his school law. But this was Mr. Greenway's favorite method of dealing with his opponents. As an instance I may cite the case of Mr. Acton Burrows, the manager of the Winnipeg Call, a Conservative newspaper. When Mr. Greenway came into power he found that Mr. Acton Burrows had a five years contract with the Government for the departmental printing. He promptly cancelled the contract, divided the printing up among his own friends—his colleague, Mr. Martin, as owner of the Portage Liberal, getting a good share—and then proceeded to introduce and pass a special act providing that this particular citizen, Mr. Acton Burrows, should be debarred from entering any action in the courts to recover damages for breach of contract—the only instance in the history of the British empire where a subject of the Crown was debarred from invoking the power of the law for the redress of his wrongs. I merely mention this circumstance to show that the spirit of justice and fair play was a stranger to these men.

I do not think that any member of Mr. Greenway's cabinet will say that this sketch of the events which led up to the present Manitoba school difficulty is biased or inaccurate.

The present position of this vexed question is this—The Judicial Committee of the Privy Council has declared that the Manitoba School Act is *intra vires*—that the Manitoba Legislature had the power to pass this Act. As I have stated before, prior to the admission of Manitoba into the Union, the French and English communities in the territory established and maintained at their own expense their respective schools. The judgment of the Lords of the Privy Council is in these words, "Notwithstanding the Public Schools Act of 1890, Roman Catholics and members of every other religious body in Manitoba are free to establish schools throughout the province. They are free to maintain their schools by fees or voluntary subscriptions; they are free to conduct their schools according to their own religious tenets without molestation or interference. No child is compelled to attend a public school."

But Section 93, Sub-sec. 3 of the British North America Act says: "Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the Legislature of the province, an appeal shall lie to the Governor General in Council from any Act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

Now, as soon as the Province of Manitoba was organized, its legislature did "thereafter establish a system of separate or dissentient schools," which existed for twenty years.

If the British North America Act is the constitution of the Dominion of Canada, it certainly by this section provides a remedy for the wrongs of the Queen's Roman Catholic subjects in Manitoba. But it is claimed that the provisions of the special Manitoba Act excluded section 93 of the British North America Act in the matter of legislation affecting education in Manitoba. This is of course a matter for the courts to decide. But the Manitoba Act says:

"Section 22—In and for the Province the said Legislature may exclusively make laws in respect to education, subject and according to the following provisions:

(1) *Nothing in any such law shall prejudicially affect any right or privilege* with respect to denominational schools which any class of persons have by law or practice in the Province at the Union. Under this section the Lords of the Privy Council have decided that the Roman Catholics of Manitoba had no case. But the second sub-section says:

(2) An appeal shall lie to the Governor General in Council from any act or decision of the Legislature, or of any Provincial authority, *affecting any right or privilege* of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

Sub-section 3 provides that in case any such appeal is entertained and upheld by the Governor-General-in-Council, and the orders in Council in regard thereto are not obeyed by the Manitoba Government, the Parliament of Canada may pass remedial laws for their due execution.

Was any right or privilege of the Roman Catholic minority affected by the Manitoba Schools Act of 1890? I think that I have shown that every right and privilege they had was ruthlessly swept away. These rights and privileges were acquired after the union from the Legislature of the Province; and here, in the Constitution of Manitoba, is an express provision for the redress of the minority, whose rights and privileges have thus been invaded. The Supreme Court of Canada is now considering the question as to whether or not the Government of Canada has the right to entertain the appeal of the Catholic minority. I do not wish to anticipate the judgment of the Supreme Court, but from the standpoint of a layman I do not see how the Court can declare otherwise than that the Governor-General-in-Council has the right, and consequent duty, to entertain that appeal. Should that be their judgment, then we will be on the eve of the greatest crisis that has occurred in the history of the confederation. Hitherto the issue has lain between the Catholic minority in Manitoba and the Provincial Legislature. Then it will lie between the people of Canada and the majority in Manitoba. In the passionate strife which will follow, race will be arrayed against race, and religion against religion. Catholics and Protestants will be incited, figuratively speaking, to fly at each others' throats. Then it will be that the manhood of Canada will be called upon to assert itself and rescue the honor of the Canadian people. For if the Manitoba Catholics can make good their appeal, if they can show that rights and privileges which they enjoyed by law up to 1891 were swept away by the Schools Act of that year, then the Constitution of Canada provides that the Governor-General-in-Council shall issue an

Order-in-Council calling upon the Manitoba Legislature to restore those privileges. If that Legislature be then led by Mr. Greenway, it will, without doubt, refuse to relieve the minority on whose throat it has already pressed its iron heel. In that case the Constitution provides that the Parliament of Canada may make (and this implies that they must make) remedial laws restoring that minority to its former favored position. The Dominion Government will not shirk its duty. No matter what position it takes we may depend upon it that that position will be fiercely assailed and denounced by the Liberal party throughout the country. Then it will be that the Conservative party must rally to the support—of their leader? No! But rally to the support and defence of the honor of their country, their motto being "let justice be done though the heavens fall."

But the cry is already being raised "let the majority rule; let Manitoba settle the question according to the wishes of her own majority." But the majority does not always rule. It is one of the glories of England's unwritten constitution that "Might shall not trample on the throat of Right." She maintains the loyal affection of her vast Indian empire because she respects and protects the particular rights and privileges of its many religious sects, and does not allow the more powerful to oppress the weaker. She annexed the Transvaal because the Boers refused to do justice to the weaker Kaffir tribes around them. When she wrested Canada from the dominion of France, she guaranteed the protection of the rights and privileges of the helpless French on the shores of the St. Lawrence; and when she ceded to us the great Northwestern Territory, she imposed upon us the condition that we should respect the rights of the French halfbreeds and the bands of Indians who roamed over those boundless plains. And a short time ago the House of Lords threw out the Home Rule bill of Gladstone because, though it contained certain clauses for the protection of the minority, it would hand over that minority to the rapacity of an insensate majority. If the minority in Manitoba are not to be protected, why were those saving clauses placed in the Manitoba and in the British North America Acts? Are they to be a mere waste of words? Have we any right, by a warped judgment upon a technicality, to defeat the expressed intentions of the framers of those acts?

Mr. Dalton McCarthy, and a host of other lesser lights throughout Canada, have declared that these clauses for the preservation of separate schools, when once established, were forced into these acts by Roman Catholic influence. That is not so. They were placed in the British North America Act as *the one condition on which the Protestant minority of the Province of Quebec would assent to confederation.* The vast majority of the people of Quebec were Catholics. The small Protestant minority had their separate or dissentient schools. In one of the confederation debates in the Parliament of Upper and Lower Canada, speaking of the Protestant minority, Sir John Rose said: "I know you must satisfy them—the Protestants—that their schools for all time to come are safe, and that the interests of the minority are hedged around with such safeguards that those who come after us will



feel that they are protected in all that they hold dear." Again he said, "I believe this is the first time in the history of Lower Canada that there has been any excitement, or movement or agitation, on the part of the English Protestants in reference to the Common School question. It is the first time in the history of the country that there has been any serious apprehension aroused amongst them regarding the elementary education of their children. I would ask my honorable friend, the Attorney General East, whether the system of education now in force in Lower Canada is to remain and be the system of education for all time to come, and if whatever rights are given to either of the religious sections shall continue to be guaranteed to them?" Sir George Cartier, that eminent Catholic leader, replied, "It is the intention of the Government that in that law (the Act of Confederation) there will be a provision that will secure to the Protestant minority in Lower Canada such management and control over their schools as will satisfy them."

Hon. Mr. Laframboise, a French Catholic, said: "There is one certain fact, and that is that the Protestants of Lower Canada have said to the Government, 'Pass a measure which shall guarantee to us the stability and protection of our separate schools system and of our religious institutions, and we will support your scheme of confederation; unless you do we will never support you, because we do not wish to place ourselves at the mercy of a local legislature, three-fourths of which will be Roman Catholics.'"

When Sir George Cartier introduced in the Parliament of the two Canadas a bill to so amend the Educational Act as to grant to the Protestant minority exclusive privileges which they could claim as their own on entering confederation, the Catholics of Upper Canada demanded the same privileges. The Upper Canada Protestants protested, and the Government, fearing defeat, withdrew the bill. Sir George Cartier then rose and said, "I ask you Protestant gentlemen of Lower Canada to take my word for it; and I now give you my pledge, that when confederation is formed, and when Quebec has a legislature of its own, one of its first acts will be to put on the Statute Book the law which we could not get on our Statute Book here today—a law conserving to the Protestant minority forever their right to separate or dissentient schools." Sir George Cartier manfully redeemed that promise, and the Union Act was then enlarged in its education clauses so as to protect forever "any system of separate or dissentient schools thereafter established by any legislature."

Thus we see that it was the Protestants who are responsible for these conserving clauses being in the Union Act, and when our Catholic fellow citizens demand protection under them, they are simply turning upon the Protestants the guns of their own citadel. I ask you to contrast Sir George Cartier's manner of redeeming his pledge to the Protestants of Quebec with that of Mr. Martin, of Manitoba, who pledged the faith of himself and the Liberal party of Manitoba to the French Catholics of St. Francois Xavier, and then introduced and carried through the House a bill abolishing the one privilege which they most highly prized.

There is another instance in the history of our country where special protection has been provided for a minority, and that, too, a Protestant minority. The twelve counties known as the Eastern Townships comprise the English part of the Province of Quebec. At the time of the union they had twelve representatives in the Legislature. They thought if they went into Confederation that the local Legislature of Quebec might do as Mr. Greenway did with the French Ridings in Manitoba twenty years later, cut and carve them up or wipe them out altogether, and they demanded that the British North America Act protect them. That protection was conceded to them, and the Union Act today provides that the Legislature of Quebec shall have no power to change those Counties in respect to their representation by any gerrymander or redistribution act, unless such change should be sanctioned by a majority of the twelve Protestant representatives. I commend these points in the history of confederation to Mr. Dalton McCarthy for his very careful perusal.

We see that in every instance where special privileges have been sought and obtained in the Dominion they have been first sought and obtained by Protestants. What justification is there then for railing at our Catholic fellow citizens in Manitoba and saying to them "you obtained these separate schools by undue influence and clerical intrigue, and, right or wrong, we will wrest them from you. Yet this is in effect the language of Mr. Greenway and his Government and of Mr. Dalton McCarthy and his following. Contrast it with the language of Sir E. P. Tache, an eminent Catholic, a brother of the present Archbishop Tache of Winnipeg, who, in the old Parliament of Canada, before confederation, said: "The hon. gentleman says that if Lower Canada goes into confederation, the Legislature of Quebec might pass acts which would deprive the Protestant element of their educational institutions, their rights and their property. If that legislature were insensate enough or wicked enough to commit such a flagrant act of injustice against the Protestant community, they would be restrained and checked by the Federal Government." In the light of this history where is the foundation for the statement that separate schools was a concession to the Roman Catholics?

I was present in the House at Winnipeg when the Hon. Mr. Martin introduced his now famous school bill doing away with separate schools. In the course of his speech he said: "But have we any precedent in Canada for such an act as this? Fortunately we have a precedent. In the Province of New Brunswick in 1871 the Legislature passed the Common Schools Act, abolishing separate schools in that Province, and that act was upheld by the Lords of the Privy Council." He then went on to read some statements, said to have been made by Inspector Dole and others of St. John, to the effect that separate schools did exist in New Brunswick before the Act of 1871. We know that no such schools ever existed by law in this Province. The Roman Catholics made a desperate fight for them then but were worsted in the Supreme Court of New Brunswick, and before the Judicial Committee of the Privy Council of England, in the case of the Town of Portland vs. Maher, be-



cause their case had not a leg to stand on. Their case was so lame that the Lords of the Privy Council did not even call upon Attorney General King to reply, but delivered judgment forthwith. And in passing I may say that in delivering the judgment of that, the highest and most august court of the realm, Lord Justice James paid an exalted tribute to the deliverance upon the question of the late Judge Fisher of the New Brunswick Supreme Court. If the justice of Mr. Martin's Act depended upon the existence of a precedent in the New Brunswick case, it were foundationless indeed.

As I said before, the discussion and interpretation of the laws bearing upon this very serious question is a matter properly belonging to learned counsel and the courts. In sketching the history of the trouble in Manitoba I have endeavored to show that the claim of the Roman Catholics there has a strong equitable side; that for twenty years they enjoyed their separate schools and the privileges pertaining thereto by law, made in conformity to the Constitution of the Province; that there never was any fault found with that law by the citizens of the Province; that those rights were wantonly invaded, and that violent hands were laid upon those privileges by the Legislature after it had wiped out the French Catholic constituencies; that even the property of the unfortunate minority was confiscated; that the party responsible for all this obtained power by giving a distinct promise to this same minority that it would not do this very thing; that the whole thing was done in a spirit of revenge and in a most arrogant and tyrannical manner.

As I said before, if the Supreme Court decide that the appeal of the minority shall lie, and if the minority succeed in making good that appeal, the question will shortly be prominently before us. The Provinces of Ontario and Quebec taken together are about evenly divided. A distinguished Liberal statesman has described the Maritime and Western Provinces as "the ragged edges of the Dominion." He declared that they held the balance of power in sealing the fate of the Government at the last general election. It may be that these same "ragged edges" will have to decide whether or not justice shall be done the minority in Manitoba. It behoves us then to inform ourselves upon all the phases of the question; and in exercising our judgment to lay aside all religious prejudice, and to endeavor to judge the case on its merits alone. We will have nothing to do with the law on the matter. It will have passed through all its courses of law before it reaches the electorate. A jury judges of facts, not of law; and the jury of the electorate will be called upon to render judgment upon the facts surrounding this case. It is well then that we look into those facts in order to be able to render an intelligent verdict. We must not be led away by the cry that this is a question between separate and non-sectarian schools. It is not. It is a question of right and wrong, or more properly speaking, of *rights* and *wrongs*. It is not a feud between Catholics and Protestants to be settled by our religious sympathies or prejudices, but one which demands our calmest and most considerate judgment.

Anticipating the appearance of this question in the arena of federal politics, Mr.

McCarthy and his Protestant Protective Association have launched out upon a campaign of open hostility to the Roman Catholic church upon general principles. They hope to enlist the great army of loyal Orangemen upon their side when they have to face this question. I am proud to be a member of the Orange society. It is a noble institution, and I wish its aims, principles and precepts were better understood by the public at large. But no part of an Orangeman's obligation *permits*, much less *requires* him to oppress a Roman Catholic fellow citizen merely because he is a Roman Catholic; and he is bound by his obligation to resist the encroachments of the Church of Rome *only by just and legitimate means*. Is it just and legitimate to break solemn pledges, to violate solemn compacts, to insult, despoil and trample under foot a weak minority simply because that minority is Roman Catholic?

Should the Legislature of Quebec abolish the Protestant separate schools of that province what a cry would go up from all the Protestant newspapers all over Canada! The very men who now cry "Let the majority rule" would then enter the lists to see that the minority should have protection; and you would find Mr. Dalton McCarthy in the vanguard of those who would be ready to unsheath their scabbards for the defence of separate *Protestant* schools. And if the helpless Protestant minority in Quebec should appeal to the Parliament of Canada for protection, would not the entire country endorse and support the government which would restore them to their present favored position? Who would then cry "Let the provincial majority rule." Can we afford to withhold from the Catholic minority in Manitoba the same justice which we would readily grant to the Protestants of Quebec? Can we make flesh of one and fish of another and still maintain our own self-respect? Will it be just for us to ratify the wiping out of the separate schools of Manitoba simply because we are, on general principles, opposed to separate schools, without taking into consideration the circumstances surrounding the case?

We cannot afford to adopt the Jesuitical doctrine that the end justifies the means. We cannot afford to do wrong that good may come. We cannot afford to be unjust.

Nearly nineteen hundred years ago there was delivered to the world a law which has been the greatest of all forces in the evolution of religion, civilization and society. It was the law, "Do unto others as you would that they should do unto you." Actuated by the spirit of that law, President Cleveland decided to restore to her throne the deposed Hawaiian queen. Should party jealousy or republican hatred of monarchical institutions thwart his beneficent purpose, the finger of scorn will be turned upon the United States by the nations of the world. Let not the finger of scorn be turned upon Canada because she shall refuse to be as just and generous as the President of the great Republic.

Again, I say that when this question comes before us as it must come if the Government of Canada find it their duty to interfere, let our motto be, "Let justice be done though the heavens fall."

